

**TOWN OF DAVIE
REGULAR MEETING
AUGUST 4, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Paul, and Councilmembers Crowley, Hubert (departed at 9:12 p.m.) and Starkey. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised the public of the rules for the open public meeting.

Brent Adrian, 5600 SW 48 Street, complained about a resident with 47 dogs and asked about the number of dogs a resident could have under the Town's Code. He indicated that Council should enact a law that required realtors to disclose which properties were designated as wetlands. Mr. Adrian spoke about Melaleuca trees and the need to have a free permit to remove invasive trees. Mayor Truex asked Mr. Willi about the number of dogs Mr. Adrian mentioned. Mr. Willi stated that he was not aware of a limit on the number of dogs in the Code. He explained the difference between a tree removal permit and a land-clearing permit. Mr. Willi indicated the Town probably did not charge for permits to clear Melaleuca trees.

Jean Carroll, 14501 SW 20 Street, spoke of unsafe traffic conditions at 20th Street and 145th Avenue and about the need for a 4-way stop at 20th Street. She also spoke of basin drains that were installed from 145th Avenue West and 148th Avenue, where water was not being drained. Vice-Mayor Paul spoke of her discussions with Broward County Commissioner Lori Parrish and stated that some of the basins were coming back on line. She indicated that Public Works/Capital Projects Director Bruce Bernard was working on these problems. Mayor Truex voiced his frustration about the difficulties with getting stop signs.

Kathy Tibbetts, 2730 Hiatus Road, spoke of communication problems and the lack of notification to Davie West residents regarding the removal of a road. Councilmember Starkey stated that there were five or six homes who had not received proper communication. She asked Mr. Willi to inform her when residents were contacted by staff.

Martin Kiar, candidate for State Representative of District 97, spoke of his excitement about running for this seat.

Arthur Joseph, 13700 SW 18 Court, thanked Florida Air Traffic Controllers for their efforts and agreed with Mayor Truex that tall buildings did not belong with Davie. He commended the new Davie Update and discussed bulk waste pickup service. Mr. Joseph spoke of the Town's rural lifestyle initiative and felt excessive traffic lights did not fit with this image. He voiced his opposition to suggestions made about realigning aircraft approach.

Susan Goldstein, candidate for State Representative of District 97, introduced herself and provided information on her qualifications.

John Parker, 6350 West Falcon's Lea Drive, spoke of the need for a Charter Review Board. He spoke of standing water near I-75 near his residence.

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Norm Blanco, 2080 SW 72 Avenue, spoke of a meeting held by the Associations of Nova Drive and thanked Town Engineer Larry Peters for attending. He also spoke about positive aspects of the Town's Civilian Police Department class.

June Connors, 1701 SW 127 Avenue, complained that she had laryngitis because of work activities on the Lamar Electronics property and about goats running on properties.

Mayor Truex advised that the applicant requested to table item 6.9 to October 20, 2004.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley to table. In a voice vote, all voted in favor (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to add discussion regarding the airport conference under New Business. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Home Occupational Licenses

- 4.1. Dimensions Building Corp., 6000 SW 55 Street
- 4.2. Executives Mermaid, Inc., 5451 SW 61 Avenue
- 4.3. Green Grass II, 14021 SW 20 Street

Resolutions

- R-2004-194 4.4. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR RENTAL OF HEAVY EQUIPMENT. (lowest bid for each item)
- R-2004-172 4.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR FERTILIZER. (lowest responsive and responsible bidder for each item)
- R-2004-173 4.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR SUPPLY AND INSTALLATION OF CHAIN LINK FENCE. (lowest bid as the primary source and the second lowest bid as the secondary source)
- R-2004-174 4.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BIDS AWARDED BY BROWARD COUNTY FOR DIESEL FUEL #2, LOW SULFUR, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. D-1-04-018-B1. (MacMillan Oil Company and Ryder Energy Distribution Corporation)
- R-2004-175 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE BROWARD COUNTY SHERIFF'S OFFICE FOR UNLEADED GASOLINE, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. 4-1-8-066. (Petroleum Traders Corporation)
- R-2004-176 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR RECREATIONAL TRAIL OVERLAY. (\$30,000/year; United Underground Contractors, Inc. and Weekley Asphalt Paving, Inc.)

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- 4.10. **HOLIDAYS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-177 APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF DAVIE
DURING FISCAL YEAR 2004-2005; AND PROVIDING AN EFFECTIVE DATE.
- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-178 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED AGREEMENT WITH
DINA SAGARESE FOR PRESCHOOL PROGRAM SERVICE AT IVANHOE
COMMUNITY CENTER. (instructor to be compensated 75% of the class fee)
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-179 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF
DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS,
OF DAVIE FLORIDA. (waiver of \$500 rental fee)
- 4.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-180 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN PROJECT STABLE OF BROWARD COUNTY AND THE TOWN OF
DAVIE. (waiver of \$500 rental fee and permit fees)
- 4.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-181 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND CHELSEA AT
IVANHOE, INC., FOR THE LEASING OF SIX PARKING SPACES AT THE
ENTRANCE TO THE PALOMINO PARK DURING THE HOURS THE PARK IS
CLOSED TO THE PUBLIC; TO ACKNOWLEDGE SUCH APPROVAL BY
AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR
AN EFFECTIVE DATE.
- 4.15. **DONATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-182 AUTHORIZING THE TOWN OF DAVIE TO DONATE OBSOLETE RADIO
EQUIPMENT TO THE BOY SCOUTS OF AMERICA CAMP SEMINOLE.
- 4.16. **DISASTER PREPARATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-183 FLORIDA, APPROVING TO MINIMIZE THE THREAT TO PUBLIC HEALTH.
- 4.17. **DISASTER PREPARATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-184 FLORIDA, APPROVING THE REMOVAL OF DEBRIS FROM PRIVATE
PROPERTY.
- 4.18. **DISASTER PREPARATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-185 FLORIDA, APPROVING TO MINIMIZE THE THREAT TO PUBLIC SAFETY.
- 4.19. **DISASTER PREPARATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-186 FLORIDA, APPROVING THE REASSIGNMENT OF PERMANENT EMPLOYEES
AND HIRING TEMPORARY EMPLOYEES.

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- 4.20. **DISASTER PREPARATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-187 FLORIDA, APPROVING AN AUTHORIZED AGENT FOR DISASTER MITIGATION
RECOVERY.
- 4.21. **DISASTER PREPARATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-188 FLORIDA, APPROVING AN AUTHORIZED AGENT FOR IMMEDIATE NEEDS
FUNDING.
- 4.22. **DISASTER PREPARATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-189 FLORIDA, APPROVING THE SOLE SOURCE CONTRACTING IN DECLARED
DISASTERS.
- 4.23. **CLASS SPECIFICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-190 FLORIDA, AUTHORIZING JOB CLASSIFICATION TITLES, JOB
CLASSIFICATION SPECIFICATIONS AND SALARY RANGES FOR
INFORMATION SYSTEMS SPECIALIST II, DEPUTY PLANNING & ZONING
MANAGER, ZONING INSPECTOR, CODE COMPLIANCE INSPECTOR II,
ENGINEER II AND RETITLING OF PLANNING SUPERVISOR TO PLANNER III;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 4.24. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-190 ACCEPTING THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY
ENTERPRISES; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.25. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-191 FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO
ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD
COUNTY, AND NOVA SOUTHEASTERN UNIVERSITY FOR TRAFFIC
CONCURRENCY RELATING TO THE YOUNG WORLD PLAT, NOVA
UNIVERSITY #1 PLAT, AND NEW WORLD PLAT, FORMING THE NOVA
SOUTHEASTERN UNIVERSITY CAMPUS IN DAVIE, FLORIDA; PROVIDING FOR
MITIGATION MEASURES TO SATISFY CONCURRENCY REQUIREMENTS; TO
ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO
SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 7-1-04,
3301 College Avenue)
- 4.26. **NOTE AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-192 AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE
"MCFATTER VOCATIONAL SITE" PLAT, AND PROVIDING AN EFFECTIVE
DATE. (DG 6-1-04, McFatter Vocational Site, 6500 Nova Drive)

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Site Plans

- 4.27. SP 10-1-02, Rancho Alegre, 2801 SW 148 Avenue (A-1) (tabled from July 14, 2004) *Site Plan Committee recommended approval based on the planning report and 1) that homeowners association documents be provided to staff prior to the Town Council; 2) show the house and the drive on lot four if the house is to remain, if it is to be demolished, then indicate it as such; 3) that the developer will put in the drive coming off 148th Avenue which will be shared by lots one and two; 4) that on lot three, the driveway will be held back a minimum of 150 feet from the property line at 148th Avenue; 5) that irrigation will be provided for at the main entrance; 6) that at the dead end hammerhead, each 12-foot wide drive will extend 75 feet from the center line of road going north and south, making it a 150 foot long turn around; and 7) if the water and sewer becomes available within one year of the Town Council's approval, and if it is within one-quarter of a mile of this property, the developer will provide it to each site*
- 4.28. MSP 2-1-04, Lakeside Town Shops, 5480 SW 76th Avenue (UC) *Site Plan Committee recommended approval based on the planning report and the following: 1) that a vertical architectural element be added to the northwest corner of the Target building at the front loading area, to be left to the architects discretion as long as it follows the same theme as the Target building itself and should be some kind of a "raised on" or something which signifies importance in that corner to draw the eye's attention away from the loading dock; 2) that the landscape architect look at the placement of the Medjool Palms to fill each of the entrances; 3) that staff's recommendation number four be removed; and 4) - that staff's recommendation number two be satisfied by adding the architectural element to the northwest corner of the building as mentioned earlier and with the planting of 18-foot Satinleaf or equivalent trees on the north side of the north elevation; however, in the middle of the face of the west elevation, create a new element to break down the facade using cornice, stone and trellis*

Temporary Use Permit

- 4.29. TU 7-1-04, NSU, Nova Southeastern University, 3301 College Avenue ("Got Wood" bonfire and celebration)

Councilmember Starkey requested that item 4.23 be removed from the Consent Agenda. Vice-Mayor Paul requested that items 4.27 and 4.28 be removed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve minus items 4.23, 4.27, and 4.28. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Hubert announced that she would have to leave the meeting early.

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.23 Councilmember Starkey questioned Human Resources Director Mark Alan about new positions and their implications on the budget. She preferred that reclassifications wait until after the budget workshops were held and then included in discussion. Mr. Alan indicated that there would be no change in the number of positions within the budget. He explained that one position was a title change, one a change in tasks within the job description, while two others were new positions. Mr. Alan advised that this provided promotional ladders

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within the Town. He pointed out that one position within the budget was not actually filled at the time, which resulted in a savings.

Councilmember Starkey asked that staff consider using interns or part-time workers to help with some positions. Mr. Alan indicated that the Town currently utilized interns in some departments. Mr. Willi felt that the operational efficiencies of each department should be met. He indicated that there was a checks and balances system in the budget process. Mr. Willi stated that if the budget were not approved by Council, then some of the positions would not be created.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.27 Vice-Mayor Paul spoke of her concerns regarding drainage conditions at this site and about the new conditions that the Central Broward Water Control District (CBWCD) required of new applicants. She shared pictures taken the previous day by Pat Grimson regarding conditions at her property within the basin, illustrating why a higher level of drainage protection was needed. Vice-Mayor Paul felt that on site storage of water was not sufficient.

Councilmember Crowley stated that he had met with the engineers on site and advised that the same amount of water had to be stored on site, through either lake retention or dry retention methods. He felt that with the required retention improvements proposed, the current conditions would improve. Councilmember Crowley stated that the current plans were approved by the CBWCD and was confident they would help improve the situation. Vice-Mayor Paul felt the timing of the decision was bad and the site would need additional water storage methods. Councilmember Crowley stated that he also did not like the storage at the back of the property.

Councilmember Starkey felt a bond could be placed on the property, that in the event it did not drain appropriately, the Town could fund necessary drainage improvements. She asked if the drainage from the property went to the Town's canals.

Jay Evans, representing the applicant, stated that even with changes in criteria, the quantity of water to be stored on site would not change; only the storage method would change. He advised that even adding a lake on the site would not provide protection for adjoining properties and stated that the property measured up to criteria outlined. Mr. Evans advised that the development had posted a bond with the CBWCD until drainage improvements were completed. He pointed out that the development had also agreed to donate \$125,000 worth of improvements to help neighboring residents. Vice-Mayor Paul stated the Town would continue to get complaints from residents with flooded yards.

Jean Carroll, 14501 SW 20 Street, complained about the small, unpaved road and the flooding problem in her yard. Vice-Mayor Paul advised that the developers building in the area would be involved in enlarging 148 Avenue to a two-lane road.

Pat Grimson, 15150 SW 27 Street, said that she was not against the development, but felt that developers needed to make drainage improvements in the area.

Vice-Mayor Paul pointed out that residents needed to get permission from the Town before adding fill to their property.

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Planning and Zoning Manager Fernando Leiva felt the site met the technical criteria and the Code. Vice-Mayor Paul stated that the Council could demand a higher standard.

Councilmember Hubert asked if storm basins could be placed on the property. Vice-Mayor Paul advised that the basins she had seen on the plans did not go to a pipeline but were kept underground at the site. Mr. Evans indicated that the swales were part of the retention areas calculated into the site's overall water storage.

Councilmember Starkey asked if the integrated drains had the ability to drain out to the street in the event the Town had to assist with providing a drainage system tying in all three projects along 148 Avenue. Mr. Evans indicated this could be done but not extending to 148 Avenue and stated that the developer would need permission to overflow their project into a district system. He pointed out that the developer had agreed to dedicate \$125,000 to improve drainage for the area residents.

Councilmember Crowley stated that the developer was going beyond the efforts required to make improvements on the site and for neighboring residents. He felt it would help if the residents wanted to turn their private street over to the Town, the Town could then assist with drainage improvements. Councilmember Crowley spoke of the maintenance agreement and five-year renewal conditions the developer had to abide by.

Mr. Evans indicated that the developer had agreed to provide a deed restriction along with the homeowner's association documents that would advise residents about the drainage easement on the site and existing conditions.

Vice-Mayor Paul listed several conditions that she would prefer as follows: 1) a common storage area be created; 2) the development would need to police their own area and ensure that the swale systems were maintained and that alterations were not allowed; 3) a separate drainage bond come to the Town to be held for seven years, due to the self storage issue, to ensure that the system worked; 4) a yearly certification from the homeowner's association be provided for seven years, indicating that the drainage system was the same as originally approved; 5) the homeowner's association documents show the areas that could not have buildings or structures; 6) the developer not vacate the 60-foot canal easement in lieu of a central water area used for additional storage; and 7) the equestrian trail be identified as a dedicated trail.

Councilmember Crowley was not in favor of approving anything that would impact the residents.

Mayor Truex stated that except for the first and last recommendations, Vice-Mayor Paul's recommendations were intended to require that conditions not be changed. He felt that if no changes were made, it would be better to approve this item with the specifications recommended.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve subject to Vice-Mayor Paul's recommendations without the first and last recommendations. In a voice vote, with Vice-Mayor Paul dissenting, all voted in favor. (Motion carried 4-1)

4.28 Later in the meeting, Councilmember Crowley clarified that there would be no construction traffic on 76th Avenue. He wanted Council to realize that lake storage was a little

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short and would have to be addressed by the Water Control District. Vice-Mayor Paul asked that the equestrian trail along 76th Avenue be a dedicated equestrian trail and not part of the landscape buffer.

Councilmember Crowley stated that an engineer's comment made at the DRC meeting was to provide a turn lane off Stirling Road onto 76th Avenue. He indicated that he was not in favor of this.

Vice-Mayor Paul indicated that she was concerned with off-site storage as this was the area where it was needed. She added that there was a chance that the petitioner would have to revise the site plan if storage was needed on-site. Mr. Mele advised that if Central Broward did not approve this, the petitioner would have to come back.

Vice-Mayor Paul stated that there was an equestrian trail on 76th Avenue and she did not want this as part of the landscape buffer but listed as a dedicated trail. Mr. Mele responded in the affirmative and asked how this was accomplished. Councilmember Starkey replied that it could be done as a dedicated easement, maintained by the petitioner. Mr. Mele indicated that he would work with Mr. Kiar on this issue. Vice-Mayor Paul indicated that it did not need to be dedicated but identified as a trail.

Mayor Truex advised that the site plan needed to have a deed restriction on the no access to 76th Avenue, to the Town and Exotic Acres.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve subject to the stipulated conditions and the recommendations of staff and the Site Plan Committee. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

6. PUBLIC HEARING

Quasi-Judicial Items

- 6.1. **VARIANCE** - V 4-2-04, Bass, 2800 SW 148 Avenue (A-1) (to reduce the minimum 30 feet side setback from the property line to 25 feet) (tabled from July 14, 2004) *Planning and Zoning Board recommended denial*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva summarized the planning report.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Paul advised that she had received an email from Scott McLaughlin and Maryanne Edwards and she had spoken with Mr. Bass. Mayor Truex advised that he had also received the same email. Vice-Mayor Paul stated that she did not view this as a self-created hardship.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

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- 6.2. **VARIANCE** - V 5-3-04, Southern Homes of Davie II, LLC., 12901 Orange Drive (R-1) (to reduce one street side setback from 40 feet to 30 feet for ten corner lots in Grove Creek) *Planning and Zoning Board recommended denial*

Mr. Kiar read the rules of evidence and swore in the witnesses. Town Engineer Larry Peters summarized the planning report.

Mr. Kiar opened the public hearing portion of the meeting.

Bill Laystrom, representing the petitioner, explained the variance request and provided sales brochures and a copy of a letter sent to Planning Supervisor Marcie Nolan indicating why the variances were needed.

Vice-Mayor Paul asked Mr. Laystrom why he did not regard this as a self-created hardship. Mr. Laystrom responded that the ordinance did not apply to this project and felt that the rural lifestyle initiative created a unique situation. Vice-Mayor Paul asked if the petitioner would come back in the future and ask for further lot-specific variances. Mr. Laystrom indicated that if Council made this a condition, the applicant would comply.

Wendy Yates, also representing the applicant, indicated that other corner lots did not fit the models being discussed. She spoke of the growing success of the development and landscaping improvements being made at the entrance.

Mr. Laystrom reiterated that the variance request only applied to the three models being discussed.

Vice-Mayor Paul asked Mr. Leiva to explain his views on whether this request was a self-created hardship. Mr. Leiva stated that within the context of Mr. Laystrom's explanation, this request was not a self-created hardship. However, he felt that within the context of reducing the width of the models, the request would qualify as a self-created hardship.

Mr. Kiar closed the public hearing.

Councilmember Hubert made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.3. **VARIANCE** - V 6-2-04, Stiles Corporation/Wolf, 5480 SW 76th Avenue (C) (to reduce the landscaping buffer along University Drive for industrial and commercial districts from the required 30 feet wide to a range from 5 feet 4 inches to 10 feet wide; and to reduce the medians between double parking bays from 10 feet wide to 0 feet in order to allow head-to-head parking) *Planning and Zoning Board recommended approval subject to obtaining permission from DOT for planting within the right-of-way; and approval subject to designating pedestrian crossings*

Mayor Truex requested to take all the testimony together and vote on each item separately [items 4.28 6.3, and 6.4]. Mr. Kiar and the applicant agreed.

Mr. Kiar read the rules of evidence and swore in the witnesses. Development Services Director Mark Kutney summarized the planning report.

Dennis Mele, representing the applicant, gave a brief presentation on this item. He spoke about the site plan, and felt that all of the open space requirements have been met. Mayor Truex asked if there was a legal mechanism to prevent inserting access to move traffic onto 76th Avenue. Mr. Mele explained that the plat accommodated the neighbors' request to have no

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access onto 76th Avenue. Mayor Truex asked if the developer would deed restrict this in favor of the Town and Exotic Acres. Mr. Mele indicated that a separate agreement covered these terms. Mayor Truex wanted a deed restriction on record to protect Exotic Acres in the future with regard to entry onto 76th Avenue.

Jason Howe, also representing the petitioner, indicated that the buffer in place was in excess of the 50-foot scenic corridor.

Councilmember Crowley asked Mr. Mele if the neighbors were aware of the variances and were in favor of them. Mr. Mele responded in the affirmative.

Mayor Truex asked if the applicant intended to ask for any extraordinary signage above Code. Mr. Mele indicated in the negative.

Vice-Mayor Paul asked if there were any prospective tenants for the outparcels. Mr. Mele stated that they had not spoken to anyone specific yet. Vice-Mayor Paul asked if the percentages were changed and Council did not approve the variance for the outparcels, what would the developer be allowed. Mr. Mele indicated that he would have to reduce to 20%.

Mr. Kiar opened the public hearing portion of the meeting.

Harry Stampler, 5800 Peppertree Circle, spoke on behalf of the Exotic Acres Homeowner's Association. He spoke in favor of the variance and felt Stiles had gone beyond the minimum requirements requested for the shopping center.

Mr. Kiar closed the public hearing.

Councilmember Starkey advised that she had spoken with Mr. Mele and Mr. Becker, former president of Exotic Acres. Mayor Truex advised that he had spoken with Mr. Mele. Vice-Mayor Paul advised that she had spoken with Mr. Mele and Mr. Becker. Councilmember Crowley advised that he had spoken with Mr. Mele and staff of Stiles.

Vice-Mayor Paul felt that the developers had done an excellent job working with the residents; however, she was concerned with the reduction of the buffer on University Drive. Mr. Mele clarified that there would still be 30 feet of green area between University Drive and buildings on the property side, varying between 5 feet 4 inches and 10 feet if the Florida Department of Transportation (FDOT) wanted the entire 30 feet for the whole distance. Vice-Mayor Paul asked how this was impacted by turn lanes and bus lanes. Mr. Mele indicated these factors still maintained the 30 feet of green space.

Councilmember Starkey felt that the project incorporated many of the features that Council was seeking and added that the overall variance enhanced the project even further.

Councilmember Crowley voiced his opposition to the variance request as he was concerned that FDOT might ask the owner to vacate the right-of-way. He stated that he was uncomfortable putting this in the hands of FDOT. Vice-Mayor Paul suggested holding off on the variance and researching the long-range plans for the Metropolitan Planning Organization. Mr. Mele stated that he could provide a standard map to staff. Vice-Mayor Paul suggested waiting until the map was received.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve providing that FDOT provide proof that there was nothing planned until 2025 and subject to Planning and Zoning's recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

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Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve subject to Planning and Zoning's recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.4. **VARIANCE** - V 6-3-04, Stiles Corporation/Wolf, 5480 SW 76th Avenue (C) (to allow the proposed outparcels to diminish their overall street frontage from the required maximum of 20 percent to 44 percent) *Planning and Zoning Board recommended approval to allow the proposed outparcels to be diminished, as agreed in a proposed Deed Restriction to be no more than 20 percent of all "building frontage" as presented on the site plan, and subject to the further stipulation of the developer that the parking for each outparcel will be wholly contained within that outparcel.*

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve subject to Planning and Zoning's and staff recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinance - Second and Final Reading

- 2004-24 6.5. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-503 AND 12-238 THEREOF RELATING TO DEFINITIONS AND GENERAL REGULATIONS; PROVIDING FOR A NON-COMMERCIAL SIGN EXEMPTION; PERMIT APPLICATION AND APPEAL PROCEDURES; SEVERABILITY; INCLUSION IN THE TOWN CODE; AND AN EFFECTIVE DATE.
{Approved on First Reading July 14, 2004 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Resolution

- R-2004-193 6.6. **CDBG ACTION PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FOR FY 2004/05 WHICH INCLUDES THE CDBG PROGRAM BUDGET; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET OR INTENT OF THE PLAN; AUTHORIZING THE REFORMATTING TO HUD's COMMUNITY 2020 FORMAT; AND AUTHORIZING SUBMISSION OF THE ACTION PLAN TO HUD.

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Town Clerk Muniz read the ordinance by title.

Director of Housing and Community Development Shirley Taylor-Prakelt explained the Action Plan.

Councilmember Starkey praised Ms. Taylor-Prakelt and staff for their excellent work and dedication to the Town's residents.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held on August 18, 2004)

6.7. **EASEMENTS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE TWO UTILITY EASEMENTS FOR THE "OAKES ROAD FIRE RESCUE STATION" PROJECT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing would be held on August 18, 2004.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinance - First Reading/Quasi Judicial Hearing (Second and Final Reading to be held on August 18, 2004)

6.8. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 4-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 (HACIENDA VILLAGE), GENERAL INDUSTRIAL, TO M-3, PLANNED INDUSTRIAL PARK DISTRICT (TOWN OF DAVIE); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-1-04, Jordan/Grundman, 3030 Burris Road) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance to be held at the August 18, 2004 meeting.

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva explained the rezoning request.

Ralph Iler, representing the owner, explained why the rezoning was being sought.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

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Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Item to be tabled

6.9. **PLANNING AND ZONING TABLED TO SEPTEMBER 22, 2004; COUNCIL CAN TABLE TO OCTOBER 20, 2004**

V 5-1-04, Progressive Development Group, Inc./Mobil Oil Corporation, 2399 South University Drive (B-3)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

7.2. Child Safety Board (Councilmember Crowley and Starkey and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

7.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

7.4. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

7.5. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Mayor Truex; two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

7.6. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

8. OLD BUSINESS

There was no old business.

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9. NEW BUSINESS

9.1. Airport NOISE Conference

Councilmember Starkey gave a brief report on the NOISE Conference that she had attended in July and provided a CD that she received at the conference. Mayor Truex requested that the Town Clerk make copies of the CD. Mayor Truex asked that Councilmember Starkey's report be added to the Town's website. Mayor Truex asked if the Airport Advisory Board had reviewed recommendations provided. Councilmember Starkey indicated that the Board supported many of the suggestions provided.

10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER CROWLEY.

DAVIE UPDATE. Councilmember Crowley complimented Mr. Willi on the new Davie Update.

MAYOR TRUEX.

DOG PARK. Mayor Truex asked about Broward County's dog park issue and that residents contact their Councilmembers with their views on this issue.

SUMMER CAMPS. Mayor Truex advised that he had received correspondence complaining about the lottery system to get children into the Town's summer camps. He wanted some way for kids in Davie who could not afford market rate summer camps to have access to some programs.

TRAFFIC. Mayor Truex spoke of complaints about the traffic circle at Riverstone. Mr. Willi advised that those having problems were driving too fast.

DRAINAGE. Mayor Truex spoke of the Vista Filare drainage issue and asked if there was an action plan. Mr. Willi stated that the Notice to Proceed was issued to the contractor, who would begin work right away.

COUNCILMEMBER STARKEY.

HIATUS ROAD. Councilmember Starkey asked for an update on the 26th Street and Hiatus Road corner. Assistant Town Administrator Ken Cohen advised that an architect had already begun working on this area.

TREE TRIMMING. Councilmember Starkey asked Mr. Muniz to forward the ordinance for tree trimming from Southwest Ranches to Council. Mr. Willi advised he would have Urban Forester Mike Orfanedes work on this.

POLICE/FIRE MEMORIAL. Councilmember Starkey announced that the groundbreaking would be held on September 23, 2004 at the Pine Island Bamford Multipurpose Center. She requested that an ordinance be added to a future agenda for approval of the proposed design for the base.

GRAND OAKS PRESERVE. Councilmember Starkey asked if an agreement was reached for improvements. Mr. Willi advised the last correspondence he received indicated an agreement would be reached in the near future.

VICE-MAYOR PAUL.

DAVIE UPDATE. Vice-Mayor Paul advised that she had received favorable feedback about the new format.

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DEDICATION. Vice-Mayor Paul announced there would be a dedication of the Joy Yoder Equestrian Center at West View Park on September 20, 2004.

LAND TRUST. Vice-Mayor Paul advised that the Davie Land Trust and dedicated residents were doing a great job in ongoing meetings. Vice-Mayor Paul announced that meetings were held on Tuesdays in the Town Hall Community Room.

POLICE EXPLORERS. Vice-Mayor Paul congratulated the Police Department for obtaining a national award from the National Police Explorers Conference for their work on traffic control issues.

WASTE COLLECTION. Vice-Mayor Paul advised that the Town would provide all relevant information for the public regarding the new waste collection system.

PUBLIC PARTICIPATION. Vice-Mayor Paul advised that she had met with Mr. Kiar and Town counsel Andre Parke regarding the public participation initiative.

SUNNY LAKE. Vice Mayor Paul advised that at the recent Local Planning Agency meeting, she had taken the opportunity to request that the Agency urgently discuss the Sunny Lake parcel at its August meeting.

OPEN SPACE. Vice-Mayor Paul wanted to discuss adding content about the Town's Open Space Program on the Town's website.

11. TOWN ADMINISTRATOR'S COMMENTS

CONGRATULATIONS. Mr. Willi congratulated Code Compliance Supervisor Danny Stallone on the birth of his son.

12. TOWN ATTORNEY'S COMMENTS

CONGRATULATIONS. Mr. Kiar also congratulated Mr. Stallone on the birth of his son.

SPECIAL EXECUTIVE SESSION. Mr. Kiar advised that special counsel Mike Burke was requesting that two Special Executive Sessions be held prior to the August 18th Council meeting at 6:00 p.m. for 15 minutes each. Mr. Kiar advised that the subject of the meetings included Mr. DiPaolo's lawsuit and the Sheridan House attorney's fees. Mr. Kiar indicated that those to be in attendance would be Mr. Burke, Mr. Willi, Council and himself.

Vice-Mayor Paul so moved, with Councilmember Crowley making the second. In a voice vote, all voted in favor with Councilmember Hubert being absent. (Motion carried 5-0)

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 11:12 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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